

REMARKS

Claims 1-37 are pending in the application. Claims 36 and 37 have been newly added. Claims 26-33 and 35 are withdrawn from consideration. Reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

As an initial matter, Applicants wish to thank the Examiner for the interview held on March 9, 2006. During the interview, Applicants' U.S. representative discussed with the Examiner the "information on the type of the contents" feature recited in the claims. The Examiner explained, during the interview, that she believes that a file name extension reads on Applicants' claimed "information on the type of the contents" feature.

In the Office Action, the Examiner rejected claims 1-3, 5-8, 10-16 and 22-25 under 35 U.S.C. §102(e) as being anticipated by Hyakutake (U.S. Patent No. 6,891,859). Applicants respectfully traverse the rejection for at least the following reasons.

In the specification of the present application, Applicants disclose an embodiment of a digital broadcast system which includes a broadcast device that multiplexes and broadcasts contents and information on the type of the contents. Applicants also disclose a receiving device for a digital broadcast system that determines whether contents are restorable based on information on the type of the contents before restoring the contents and changes a restoration process according to the determination.

Hyakutake is directed towards an information transmission apparatus. As noted above, the Examiner takes the position that a file name extension reads on Applicants'

claimed "information on the type of the contents". Applicants respectfully submit that Hyakutake does not disclose that the information transmission apparatus multiplexes contents and a file name extension. Thus, Applicants respectfully submit that Hyakutake fails to disclose or suggest a broadcast device that multiplexes and broadcasts contents and information on the type of the contents, as recited in independent claims 1, 2, 12, 13, 15 and 24.

Applicants respectfully submit that Hyakutake also fails to disclose or suggest a receiving device that changes a restoration process according to a determination of whether contents are restorable based on information on the type of the contents, as recited in independent claims 1 and 3.

Applicants further submit that a file name extension does not include information on the type of a plurality of content elements contained in corresponding contents. Thus, Applicants submit that Hyakutake does not disclose the feature recited in dependent claim 5 that the information on the type of contents includes "information on the type of a plurality of content elements contained in corresponding contents."

Applicants also submit that Hyakutake fails to disclose that a receiving device does not restore any of the contents if any of a plurality of content elements contained in the contents is not restorable, as recited in dependent claim 6, or does not restore only the content elements that are not restorable, as recited in dependent claim 7.

Applicants further submit that Hyakutake fails to disclose a receiving device which determines, based on handling information, either to restore and display contents in an incomplete state or not to restore contents at all and not to display the contents, as recited in dependent claim 8.

Applicants respectfully submit that Hyakutake also fails to disclose a reception program which causes a receiving device to change a process for restoring contents according to a determining of whether contents are restorable based on information on the type of contents, as recited in independent claim 11.

Applicants respectfully submit that Hyakutake also fails to disclose acquiring a program based on acquisition location information and performing a restoration process on contents based upon the program, if it is determined that the contents are not restorable, as recited in independent claims 22 and 24.

Dependent claims 5-8, 10, 14, 16, 23 and 25 are also submitted to be in condition for allowance for at least the reasons set forth above with respect to independent claims 3, 13, 15, 22 and 24.

In the Office Action, the Examiner rejected claims 17-21 and 34 under 35 U.S.C. § 102(e) as being anticipated by Ukelson (U.S. Patent No. 6,338,096). Applicants respectfully traverse the rejection for at least the following reasons.

Ukelson is directed towards a micro web server. Applicants respectfully submit that Ukelson fails to disclose or suggest a receiving device performs a restoration process on contents after acquiring a program based on acquisition location information, as recited in independent claim 17.

Dependent claims 18-21 are also submitted to be in condition for allowance for at least the reasons set forth above with respect to independent claim 17.

In the Office Action, the Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Hyakutake in view of Broadwin et al. (U.S. Patent No.

P25632.A05

6,275,989). Applicants respectfully traverse the rejection for at least the following reasons.

Applicants respectfully submit that Broadwin fails to overcome the deficiencies of Hyakutake. That is, Applicants submit that the combination of Hyakutake and Broadwin fails to disclose or suggest a receiving device that determines whether contents are restorable based on information on the type of the contents before restoring the contents, and changes a restoration process according to the determination, as recited in independent claim 3.

Applicants respectfully submit that dependent claim 4 is in condition for allowance for at least the reasons set forth above with respect to independent claim 3.

In the Office Action, the Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Hyakutake in view of Yamaguchi et al. (U.S. Patent No. 6,674,477). Applicants respectfully traverse the rejection for at least the following reasons.

Applicants respectfully submit that Yamaguchi also fails to overcome the deficiencies of Hyakutake. That is, the combination of Hyakutake and Yamaguchi also fails to disclose or suggest a receiving device that determines whether contents are restorable based on information on the type of the contents before restoring the contents, and changes a restoration process according to the determination, as recited in independent claim 3.

Applicants respectfully submit that dependent claim 9 is in condition for allowance for at least the reasons set forth above with respect to independent claim 3.

Applicants have added new dependent claims 36 and 37. Claim 36 recites that the information on the type of the contents includes indicia indicating whether or not each of a plurality of types of contents are included in the contents, and claim 37 recites that the information on the type of the contents includes a plurality of flags, where each flag corresponds to a particular file type and indicates whether the contents includes the particular file type. Applicants respectfully submit that the applied prior art fails to disclose or suggest these features, in the claimed combinations.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.


SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicants have made a sincere effort to place the present invention in condition for allowance and believe that they have now done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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